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charges (including any charges for accessorial or terminal services) corresponding to that portion of the shipment which is lost or destroyed in transit. To calculate the charges applicable to the shipment as delivered, the carrier shall multiply the percentage corresponding to the portion of the shipment delivered by the total charges (including accessorial and terminal charges) applicable to the shipment tendered by the shipper. If the charges computed in the manner set forth above exceed the charges otherwise applicable to the shipment as delivered, the lesser of those charges shall apply. The provisions of this paragraph shall apply only to the transportation of household goods as defined in § 375.1(b)(1) of these rules. Notwithstanding any other provisions of this paragraph, a carrier shall collect, and the shipper shall be required to pay, that proportion of any charges for accessorial or terminal services rendered which corresponds to the proportion of the shipment not lost or destroyed in transit and any specific valuation charge that may be due. The provisions of this paragraph shall not be applicable to the extent that any such loss or destruction is due to the act or omission of the shipper. Carriers shall determine, at their own expense, the proportion of the shipment not lost or destroyed in transit.

(c) The rights provided by this section are in addition to, and not in lieu of, any other rights which the shipper may have with respect to a shipment of household goods which is lost or destroyed, or partially lost or destroyed, in transit, whether or not that shipper has exercised the rights provided in paragraphs (a) and (b) of this section.

[46 FR 16218, Mar. 11, 1981, as amended at 54 FR 36981, Sept. 6, 1989; 62 FR 49941, Sept. 24, 1997]

§ 375.16 Collection of freight charges on shipments transported on more than one vehicle.

(a) Whenever a collect on delivery shipment of household goods, as defined in § 375.1(b)(1), is transported on more than one vehicle the carrier delivering such split or divided shipment shall observe the requirements of para-

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graphs (a)(1), (2) or (3) of this section in the collection of the charges.

(1) At the option of the carrier, the collection of the charges attributable to the transportation of the portion of the shipment transported on each vehicle may be deferred until all portions of the shipment are delivered; or,

(2) Providing that the charges for the entire shipment have been determined, the carrier may collect at the time of delivery of any portion of the shipment that percentage of the charges represented by the portion of the shipment tendered for delivery; or,

(3) In the event that the charges due the carrier for the transportation of the entire shipment cannot reasonably be determined at the time any portion of the shipment is tendered for delivery, the carrier shall determine and collect the charges for the portion of the shipment being delivered. The total charges assessed by the carrier for the transportation of the separate portions of the shipment shall not exceed the charges due for the entire shipment.

(b) In the event of the loss or destruction of any part of a shipment being transported on more than one vehicle, the collection of charges as provided in paragraph (a) of this section shall also be in conformity with the requirements of § 375.15.

[46 FR 16218, Mar. 11, 1981. Redesignated at 61 FR 54707, Oct. 21, 1996; 62 FR 49941, Sept. 24, 1997]

§ 375.17 Advertising by motor common carriers of household goods.

(a) Every motor common carrier engaged in the transportation of household goods in interstate or foreign commerce, including any carriers providing any accessorial service incidental to or part of such interstate or foreign transportation, shall include, and shall require each of its agents to include, in every advertisement as defined in § 375.1(b)(3), the name or trade name of the motor carrier under whose operating authority the advertised service will originate, and the certificate or docket number assigned to such operating authority by the Federal Motor Carrier Safety Administration.

(b) Such certificate or docket number shall be in the following form in every advertisement: “FMCSA No. _____” but

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shall not include any sub numbers which may have been assigned.

(c) No motor common carrier engaged in the transportation of household goods, as defined in §375.1(b)(1), or any agent or other representative of such a carrier, shall publish or cause to be published or use any advertisement as defined in §375.1(b)(3), which is false, misleading or deceptive.

[46 FR 16218, Mar. 11, 1981. Redesignated at 61 FR 54707, Oct. 21, 1996; 62 FR 49941, Sept. 24, 1997]

§ 375.18 Preparation and filing of annual performance report.

(a) Filing requirement. Each motor common carrier for household goods as defined in §375.1(b) that delivers interstate shipments to individual C.O.D. shippers, during any calendar year *shall*, on or before March 31 of the following year, file with the Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, Washington, DC 20590, a report of the service performed during the report year. The report shall be submitted on Form OCE-101, and its accuracy must be verified by an official of the carrier. All carriers must complete part A of Form OCE-101, and those carriers transporting 100 or more shipments also must complete part B.

(b) Prescribed Annual Performance Report Form OCE-101.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

OFFICE OF ENFORCEMENT AND COMPLIANCE

ANNUAL PERFORMANCE REPORT FOR YEAR
ENDED DECEMBER 31, 20__

Carrier's Name _____
Carrier's Address _____
USDOT or ICCMC Number _____

PART A

During the year, the total number of household goods shipments (1st proviso) delivered for each type of shipper was:

1. C.O.D. shipments delivered under your common carrier authority (excluding all Government, Freight Forwarder, and Interline shipments) _____
2. All other 1st proviso shipments (including all Government, Freight Forwarder, and Interline shipments) _____

3. Total of Lines 1 and 2 (NOTE: Total must agree with total 1st proviso shipments reported in your Annual Performance Report, Schedule 600, Line 7, Column d, if you are required to file that report) _____

PART B

Complete part B only if the C.O.D. delivered shipments reported in part A, Line 1, equals or exceeds 100 shipments. The questions and answers below deal only with the shipments reported in part A, Line 1.

4. Number of C.O.D. shipments where the order for service was based upon a *written binding estimate* (included are so-called hybrid estimates such as Guaranteed Price and Price Protection) _____
5. Number of C.O.D. shipments where the charges were based on a *written non-binding estimate* _____
6. Number of C.O.D. shipments where the charges were based on *other than* a written binding or non-binding estimate _____
7. Total of Lines 4, 5, and 6 (NOTE: Total should equal the shipment count reported in part A, Line 1) _____
8. Percentage of shipments delivered where the final charges *exceeded* the initial written binding estimate _____
9. Percentage of shipments delivered where the final charges *exceeded* the initial written non-binding estimate by 10% or more _____
10. Percentage of shipments that were picked up *after* the last date for pickup listed on the order for service or bill of lading _____
11. Percentage of shipments that were delivered *after* the last date of delivery specified on the order for service or bill of lading _____
12. Percentage of shipments delivered where *there was* a claim filed (in excess of \$200) for property damage or loss _____
13. Percentage of shipments delivered where *there was* a claim filed (in excess of \$200) for damages resulting from late pickup or delivery _____
14. *Average* number of days required to settle a claim (in excess of \$200) _____